UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
DAILEY, THOMAS J

ART UNIT	PAPER NUMBER
2152	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 January 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some *　c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1. Claims 1-23 are pending.

Response to Arguments

2. The 35 U.S.C. 101 rejections directed at claims 10-21 are withdrawn in view of

the amendments filed January 4, 2008.

3. Applicant's arguments with respect to the prior art rejection of claims 1-23 have

been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-23 rejected under 35 U.S.C. 102(b) as being anticipated by Collins (US

Pub. No. 2002/0029285).

6. As to claim 1, Collins discloses a computing system that includes one or more

processors, persistent media configured to store information that persists through

power loss of the computing system, and system memory that is directly

accessed by the one or more processors ([0035], lines 1-8), the computing

system operable in both normal mode and recovery mode, a method for the

computing system operating in recovery mode while ensuring reliable message

processing for messages received during the recovery mode operations ([0061],

lines 12-16), the method comprising the following:

an act of receiving a message corresponding to a particular message

transaction, wherein the message is a normal message suitable for normal mode

operations and an instance governing the particular message transaction is in a

recovery mode rather than a normal mode ([0064], lines 1-7, "incoming protocol

stream" reads on a message, and is not processed as the client agent is in a

recovery mode, hence the messages in the incoming protocol stream are normal

messages suitable for normal mode operations);

upon receiving the message, an act of determining from state information

corresponding to the particular message transaction that the instance governing

the particular message transaction is in the recovery mode, rather than the

normal mode ([0064], lines 1-7, as the operation of the client agent in recovery

mode is distinct from its normal operation (i.e. in recovery mode it stores

incoming messages in a queue rather than processing them as the come in),

state information is inherent);

an act of determining that the received message is a normal message

suitable for normal mode operations, ([0064], lines 10-16, as the client agent

checks incoming commands for a recovery message, messages that are not are

considered normal and placed in the queue) wherein the received message

cannot be processed until the instance is in the normal mode, ([0064, lines 1-10);

an act of placing the received message into a persistent queue for later

processing when the instance is in the normal mode rather than the recovery

([0064, lines 1-10); and

an act of completing recovery mode operation ([0064, lines 1-10).

7. As to claims 10 and 22, they are rejected by the same rationale set forth in claim

1's rejection.

8. As to claims 2 and 14, Collins discloses an act of loading the state information

from persistent media into system memory in response to the act of receiving the

message ([0064], lines 1-7, as the operation of the client agent in recovery mode

is distinct from its normal operation (i.e. in recovery mode it stores incoming

messages in a queue rather than processing them as the come in), state

information is inherent, as is loading and storing of such information).

9. As to claim 3 and 15, Collins discloses an act of saving the state information into

persistent media after the act of placing the message into the persistent queue

([0064], lines 1-7, as the operation of the client agent in recovery mode is distinct

from its normal operation (i.e. in recovery mode it stores incoming messages in a

queue rather than processing them as the come in), state information is inherent,

as is loading and storing of such information).

10. As to claims 4 and 16, Collins discloses:

an act of receiving a second message corresponding to the particular

message transaction ([0064], lines 10-16, incoming stream contains multiple

messages);

upon receiving the second message, an act of determining from state

information corresponding to the particular message transaction that the instance

governing the state information is still in the recovery mode rather than the

normal mode ([0064], lines 7-16);

an act of determining that the second message is a recovery message

suitable for recovery mode operations and not suitable for normal mode

operations ([0064], lines 10-16, "a recovery maker" indicates a particular

message as a recovery message); and

an act of processing the recovery message ([0064], lines 10-22).

11. As to claim 5 and 17, Collins discloses an act of loading the state information

from persistent media into system memory in response to the act of receiving the

second message ([0064], lines 10-16, the client agent is actively looking for a

recovery maker as it is in recovery mode, hence state information is inherent).

12. As to claim 6 and 18, Collins discloses disclose an act of saving the state information into persistent media after the act of processing the recovery message ([0064], lines 10-22).

13. As to claim 7 and 19, Collins discloses an act of determining that the processing of the recovery message completes recovery of the instance governing the particular message transaction ([0064], lines 10-22).

14. As to claim 8 and 20, Collins discloses an act of setting the state information to reflect normal operation mode, wherein the act of saving the state information into persistent media after the act of processing the recovery message occurs after the act of setting the state information to reflect normal operation mode ([0064], lines 10-22).

15. As to claim 9 and 21, Collins discloses an act of processing one or more normal messages in the queue in response to the act of determining that the processing of the recovery message completes recovery of the instance governing the particular message transaction ([0064], lines 10-25)

16. As to claim 11, Collins discloses the one or more computer-readable media comprise physical memory media ([0036, lines 1-10).

17. As to claim 12, Collins discloses the physical memory media comprises persistent media ([0036, lines 1-10).

18. As to claim 13, Collins discloses the physical memory media comprises system memory ([0036, lines 1-10)

19. As to claim 23, Collins discloses:

an act of determining that the received message is a normal message suitable for normal mode operations, ([0064], lines 10-16, as the client agent checks incoming commands for a recovery message, messages that are not are considered normal and placed in the queue) wherein the received message cannot be processed until the instance is in the normal mode, ([0064, lines 1-10);

an act of placing the received message into a persistent queue for later processing when the instance is in the normal mode rather than the recovery ([0064, lines 1-10); and

an act of completing recovery mode operation ([0064, lines 1-10).

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

21. A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed

within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

22. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thomas J. Dailey whose telephone number is

571-270-1246. The examiner can normally be reached on Monday thru Friday;

9:00am - 5:00pm.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax

phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

24. Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

TJD

/Bunjob Jaroenchonwanit/
Supervisory Patent Examiner, Art Unit 2152